IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HONOURABLE SRI JUSTICE D.S.R. VARMA
W.P.M.P NO : 8871 of 2004
AND
W.P.M.P.No. 25624 of 2003
IN
W.P.NO.20466 of 2003

Between:

1 Dalali Ananda Rao s/o Guruvulu
R/o Door No.2-5-65., Sector-9., MVP Colony., Visakhapatnam.
2 D.Srinivasa Rao s/o Guruvulu
R/o Door No.2-5-65., Sector-9., MVP Colony., Visakhapatnam.
3 D.Madhava Rao s/o Guruvulu
R/o Door No.2-5-65., Sector-9., MVP Colony., Visakhapatnam.
4 B.Satya s/o Guruvulu
R/o Door No.2-5-65., Sector-9., MVP Colony., Visakhapatnam.
5 D.Shankar Rao s/o Guruvulu
R/o Door No.2-5-65., Sector-9., MVP Colony., Visakhapatnam.

..... PETITIONERS
in both W.P.M.Ps.

(Petitioners inW.P.M.PNO : 20466 of 2003 on the file of High Court)
AND

1The Vice Chairman., Visakhapatnam Urban Development Authority., Visakhapatnam.
2Sunkara Appala Naidu s/o Not Known.,
Near Cancer Hospital., Opp: TTD Kalyana Mandapam.,
MVO Colony., Visakhapatnam.

.....RESPONDENTS
in both W.P.M.Ps.

(Respondents in -do-)

W.P.M.P.NO.8871/2004:

Petition under Section 151 of CPC praying the High Court to post the above Writ Petition for being mentioned pending W.P.NO.20466 of 2003 on the file of the High Court.

W.P.M.P.NO.25624 /2003:

Petition under Section 151 of CPC praying the High Court to measure and demarcate and grant sub-division the land in Survey

No.30 of Peda Waltair village in favour of the petitioners pending disposal of the above Writ Petition.

These petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 07-01-2004 made in W.P.No.20466/2003 and upon hearing the arguments of Mr.MR.P.SRI RAGHU RAM, Advocate for the Petitioners in both petitions, and of Smt. Sumalini Reddy, Advocate for the first respondent, and none appeared for 2nd Respondent.

The Court made the following:

ORAL ORDER:

W.P.M.P.No.8871 of 2004 is filed to post W.P.NO.20466 OF 2003 under the caption "for being mentioned" while W.P.M.P.No.25624 of 2003 is filed with a simple request to direct the first respondent to conduct survey of the land in dispute.

2. After hearing the writ petition, this Court directed therespondents to identify, demarcate and effect sub-division of the land left over after acquisition.

3. Now, it is represented by the learned counsel for the review petitioners that therespondents are conducting survey only as per therevenue records, totally ignoring the extent of the land said to have been mentioned in the sale deed, by which the petitioners have been in possession and enjoyment of the property in question.

4. Obviously, there was no dispute at the time of acquisition as regards the total extent of land held by the review petitioners, the extent of land acquired and the extent of land left over. There was never any dispute with regard to actual extent of land owned, possessed and enjoyed by the review petitioners.

5. Hence, having regard to the facts and circumstances, suffice it to clarify the order passed by this Court in W.P.No.20466 of 2003, dated 07-01-2004, in the following manner:

"The identification and demarcation of the land as spelt in the order passed by this Court in W.P.No.20466 of 2003, dated 07-01-2004, shall be not only with reference to the revenue records and the report of the Advocate-commissioner and also with reference to the sale deeds of the review petitioners insofar as the extent of land possessed by them prior to the acquisition."

6. The applications are accordingly disposed of.

14th June, 2004.

ASSISTANT REGISTRAR

// TRUE COPY //

Section Officer

To
1. The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhapatnam.
2. Two CCs for Government Pleader for Municipal Administration(O.U.T)
3. Two CD copies.

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